

FILED

UNITED STATES COURT OF APPEALS

MAR 06 2012

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LUKE D. BRUGNARA,

Defendant - Appellant.

No. 10-10283

D.C. No. 3:08-cr-00236-MMC-1
Northern District of California,
San Francisco

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LUKE D. BRUGNARA,

Defendant - Appellant.

No. 10-10286

D.C. No. 3:08-cr-00222-WHA-1
Northern District of California,
San Francisco

ORDER

Before: WALLACE and THOMAS, Circuit Judges, and GEORGE, Senior District Judge.*

The Motion to Recall Mandate and for Leave to File Late Petition for

Rehearing *En Banc* is DENIED because this case does not present “exceptional

* The Honorable Lloyd D. George, Senior District Judge for the U.S. District Court for Nevada, sitting by designation.

circumstances” justifying the panel’s exercise of discretion to recall the mandate.

See Zipfel v. Halliburton Co., 861 F.2d 565, 567 (9th Cir. 1988).

The Petition for Rehearing *En Banc* is DENIED as untimely. Fed. R. App. P. 35(c); 40(a)(1).